

FIRST REGULAR SESSION

# SENATE BILL NO. 514

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS JUSTUS AND BRAY.

Read 1st time February 15, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2242S.011

## AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof two new sections relating to immunizations against the human papilloma virus.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 167.181, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 167.181 and 376.1252, to read as  
3 follows:

167.181. 1. The department of health and senior services, after  
2 consultation with the department of elementary and secondary education, shall  
3 promulgate rules and regulations governing the immunization against  
4 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and  
5 hepatitis B, to be required of children attending public, private, parochial or  
6 parish schools. **In addition, for each female student enrolling in grade**  
7 **six, such immunizations shall include inoculation to fully immunize**  
8 **such female against the human papilloma virus.** Such rules and  
9 regulations may modify the immunizations that are required of children in this  
10 subsection. The immunizations required and the manner and frequency of their  
11 administration shall conform to recognized standards of medical practice. The  
12 department of health and senior services shall supervise and secure the  
13 enforcement of the required immunization program.

14 2. It is unlawful for any student to attend school unless he **or she** has  
15 been immunized as required under the rules and regulations of the department  
16 of health and senior services, and can provide satisfactory evidence of such  
17 immunization; except that if he **or she** produces satisfactory evidence of having  
18 begun the process of immunization, he **or she** may continue to attend school as

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 long as the immunization process is being accomplished in the prescribed manner.  
20 It is unlawful for any parent or guardian to refuse or neglect to have his child  
21 immunized as required by this section, unless the child is properly exempted.

22         3. This section shall not apply to any child if one parent or guardian  
23 objects in writing to his **or her** school administrator against the immunization  
24 of the child, because of religious beliefs or medical contraindications. In cases  
25 where any such objection is for reasons of medical contraindications, a statement  
26 from a duly licensed physician must also be provided to the school  
27 administrator. **With respect to immunization against human papilloma**  
28 **virus, the written statement shall contain a statement indicating that**  
29 **the parent or guardian received the information under subsection 4 of**  
30 **this section on the connection between human papilloma virus and**  
31 **cervical cancer.**

32         4. (1) **The department shall prescribe procedures by which each**  
33 **school district shall provide information to parents and guardians of**  
34 **female students relating to the connection between human papilloma**  
35 **virus and cervical cancer. The procedures shall ensure that the**  
36 **information is reasonably likely to come to the attention of the parents**  
37 **or guardians of each female student.**

38         (2) **The department shall collect and disseminate information to**  
39 **parents, conservators, and guardians of female children relating to the**  
40 **connection between human papilloma virus and cervical cancer and**  
41 **shall prescribe the form and content of the information.**

42         (3) **Such information shall include:**

43         (a) **The risk factors for developing cervical cancer, the symptoms**  
44 **of the disease, how it may be diagnosed and its possible consequences**  
45 **if untreated;**

46         (b) **The connection between human papilloma virus and cervical**  
47 **cancer, how human papilloma virus is transmitted, how transmission**  
48 **may be prevented, and the relative risk of contracting human papilloma**  
49 **virus for primary and secondary school students;**

50         (c) **The availability and effectiveness of vaccination against**  
51 **human papilloma virus and a brief description of the possible side**  
52 **effects of vaccination; and**

53         (d) **Sources of additional information regarding the disease,**  
54 **including any appropriate office of a school district and the**  
55 **appropriate office of the department of health and senior services.**

56           5. Each school superintendent, whether of a public, private, parochial or  
57 parish school, shall cause to be prepared a record showing the immunization  
58 status of every child enrolled in or attending a school under his jurisdiction. The  
59 name of any parent or guardian who neglects or refuses to permit a nonexempted  
60 child to be immunized against diseases as required by the rules and regulations  
61 promulgated pursuant to the provisions of this section shall be reported by the  
62 school superintendent to the department of health and senior services.

63           [5.] 6. The immunization required may be done by any duly licensed  
64 physician or by someone under [his] **the physician's** direction. If the parent or  
65 guardian is unable to pay, the child shall be immunized at public expense by a  
66 physician or nurse at or from the county, district, city public health center or a  
67 school nurse or by a nurse or physician in the private office or clinic of the child's  
68 personal physician with the costs of immunization paid through the state  
69 Medicaid program, private insurance or in a manner to be determined by the  
70 department of health and senior services subject to state and federal  
71 appropriations, and after consultation with the school superintendent and the  
72 advisory committee established in section 192.630, RSMo. When a child receives  
73 his or her immunization, the treating physician may also administer the  
74 appropriate fluoride treatment to the child's teeth.

75           [6.] 7. Funds for the administration of this section and for the purchase  
76 of vaccines for children of families unable to afford them shall be appropriated to  
77 the department of health and senior services from general revenue or from federal  
78 funds if available.

79           [7.] 8. No rule or portion of a rule promulgated under the authority of  
80 this section shall become effective unless it has been promulgated pursuant to the  
81 provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is  
82 defined in section 536.010, RSMo, that is created under the authority delegated  
83 in this section shall become effective only if it complies with and is subject to all  
84 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
85 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the  
86 powers vested with the general assembly pursuant to chapter 536, RSMo, to  
87 review, to delay the effective date or to disapprove and annul a rule are  
88 subsequently held unconstitutional, then the grant of rulemaking authority and  
89 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

**376.1252. 1. All individual and group health insurance policies**  
2 **providing coverage on an expense-incurred basis, individual and group**

3 service or indemnity type contracts issued by a health services  
4 corporation, individual, and group service contracts issued by a health  
5 maintenance organization, and all self-insured group arrangements to  
6 the extent not preempted by federal law and all managed health care  
7 delivery entities of any type or description shall provide coverage for  
8 inoculations to fully immunize females who are not less than eleven  
9 years of age but not more than twenty-one years of age against the  
10 human papilloma virus.

11 2. Such coverage shall not be subject to any deductible or  
12 copayment limits.

13 3. This section shall not apply to supplemental insurance  
14 policies, including life care contracts, accident-only policies, specified  
15 disease policies, hospital policies, coverage issued as a supplement to  
16 liability insurance, short-term major medical policies of six months or  
17 less duration, and other supplemental policies as determined by the  
18 department of insurance.

Bill ✓

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